

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re: ) Bankr. No. 11-10169  
 ) Chapter 13  
HERMAN EUGENE PAULSON )  
dba Heartland Organic Foods ) ORDER DENYING DEBTOR'S MOTION  
SSN/ITIN xxx-xx-9472 ) FOR STAY PENDING AN APPEAL  
 )  
Debtor. )

Upon consideration of Debtor's Motion for Stay of Judgment Regarding Denial of Debtor['s] Motion for New Trial or Amendment of Judgment Pending Appeal (doc. 146), Fed.R.Bankr.P. 8005, and the record before the Court; and it appearing Debtor has not shown he is likely to succeed on the merits because he has not identified any applicable law or facts that support his theories; and it further appearing Debtor has not shown he will suffer irreparable injury unless the stay is granted where the assets in this case are not the source of his present or future livelihood; and it further appearing Debtor did not address in his motion whether the requested stay will cause substantial harm to other interested parties or where the public interest, if any, lies, *see Brady v. National Football League*, 640 F.3d 785, 789 (8th Cir. 2011) (discussing similar law under Fed.R.Civ.P. 8(a)); *Perry v. Secretary of Housing and Urban Development (In re Perry)*, 222 B.R. 167, 169-70 (B.A.P. 8th Cir. 1998) (discussing Fed.R.Bankr.P. 8005); now, therefore,

IT IS HEREBY ORDERED Debtor's motion is denied.

So ordered: May 4, 2012.

BY THE COURT:



Charles L. Nail, Jr.  
Bankruptcy Judge

NOTICE OF ENTRY  
Under Fed.R.Bankr.P. 9022(a)

This order/judgment was entered  
on the date shown above.

Frederick M. Entwistle  
Clerk, U.S. Bankruptcy Court  
District of South Dakota